

REMARKS / DISCUSSION OF ISSUES

In the present amendment, claims 1 – 10, 15 and 16 are amended. Claims 11 – 14 are cancelled. Claims 1 – 10, 15 and 16 are now pending in the application. Claims 1, 15 and 16 are independent.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5). In the present amendment, the drawings are amended to correct the reference number to the watermark detection unit as 220. No new matter is added. Withdrawal of the objection to the drawings is respectfully requested.

Specification

The specification is objected to because of an error in referencing a figure number on page 11. In the present amendment, the specification is amended to obviate this objection. As one skilled in the art would recognize that the intent was to reference Fig. 10, no new matter is added.

The specification is also objected to because the various sections of the specification are not labeled with the appropriate section heading.

Applicant thanks the Examiner for providing information about recommended section headings. However, Applicant respectfully declines to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

Withdrawal of the objection to the specification is respectfully requested.

35 U.S.C. 101

Under 35 U.S.C. 101 the Office Action rejects claims 12 and 15 because the Office Action alleged that the claimed invention is directed to non-statutory subject matter.

In the present amendment, claim 12 is cancelled and claim 15 is amended to obviate this rejection. Withdrawal of the rejection of claims 12 and 15 under 35 U.S.C. 101 is respectfully requested.

35 U.S.C. 102

Under 35 U.S.C. 102(b) the Office Action rejects claims 1 – 8, 10, 12 and 14 – 16 over Miyahara et al. (US 6,404,926), hereinafter Miyahara.

Applicant submits that for at least the following reasons, claims 1 – 8, 10, 15 and 16 are patentable over Miyahara.

For example, claim 1, in part, requires:

“an information signal in which a plurality of watermarks are present.”

Miyahara discloses that an image data in which an accompany information is embedded as a watermark (column 5, lines 44 – 46). Applicant submits that Miyahara discloses the use of a single watermark, not a plurality of watermarks. Applicant further submits that, throughout the Miyahara document, nothing can be found that teaches or even suggests the embedding of a plurality of watermarks in the image data. Therefore, Miyahara fails to disclose the claimed feature: an information signal in which a plurality of watermarks are present.

In addition, claim 1, in part, also requires:

“the plurality of watermarks together defining a multi-bit payload.”

Since Miyahara discloses that an image data in which an “accompany information” is embedded as a watermark, but not as a plurality of watermarks, Miyahara only teaches that a single watermark defines the accompany information. Furthermore, Miyahara discloses that the accompany information signal is a 1-bit on/off

signal (column 3, lines 38 – 47; column 4, lines 32 – 47). The accompany information signal can only be a 1-bit on/off signal because it is based on a binary decision of whether a single watermark is present or not (Fig. 4, S9 – S10). In contrast, the claimed invention requires a payload as a multi-bit code, being defined by multiple watermarks (see, for example, Applicant's specification, page 4, lines 18 – 19). Clearly, the accompany information signal cannot be interpreted as the multi-bit payload as claimed. Therefore, Miyahara also fails to disclose the claimed feature: the plurality of watermarks together defining a multi-bit payload.

Furthermore, claim 1, in part, requires:

"calculating a measure of confidence in the accuracy of the payload represented by the watermarks."

Miyahara discloses the determination of an Evaluation Value, which provides an indicator of whether a watermark is present or not in the image data. However, such calculation only provides the likelihood that a watermark is added, it does not provide a measure of confidence in the accuracy of the payload represented by the watermarks, because the payload is defined by a plurality of watermarks, not by a single watermark. Therefore, Miyahara fails to disclose the claimed feature: calculating a measure of confidence in the accuracy of the payload represented by the watermarks.

In view of at least the foregoing, Applicant submits that claim 1 is patentable over Miyahara.

Similarly, independent claim 15, in part, requires:

"an information signal in which a plurality of watermarks are present, the plurality of watermarks together defining a multi-bit payload," and

"calculates a measure of confidence in the accuracy of the payload represented by the watermarks."

Also, independent claim 16, in part, requires:

"processing an information signal in which a plurality of watermarks are present, the plurality of watermarks together defining a multi-bit payload," and

"calculating a measure of confidence in the accuracy of the payload represented by the watermarks."

Applicant essentially repeats the above arguments for claim 1 and applies them to claims 15 and 16, pointing out why Miyahara fails to disclose the above claimed features. Therefore, claims 15 and 16 are patentable over Miyahara.

Claims 2 – 8, 10 and 12 depend from claim 1 and inherit all the features of claim 1. Thus, for at least the reasons discussed above, claims 2 – 8, 10 and 12 are patentable over Miyahara because they depend from claim 1, with each claim containing further distinguishing features. Claim 14 is cancelled.

Withdrawal of the rejection of claims 1 – 8, 10, 12 and 14 – 16 under 35 U.S.C. 102(b) is respectfully requested.

Claim Objections

The Office Action states that claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully declines the invitation to rewrite claim 9 in independent form, because, in the above section, Applicant has presented reasons and arguments to demonstrate that claim 1 is patentable over Miyahara, and therefore can serve as an allowable base claim from which claim 9 depends. Withdrawal of the objection to claim 9 is respectfully requested.

Conclusion

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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